

REMARKS

Claims 1-10, as amended, and new claims 11-14 appear in this application for the Examiner's review and consideration.

Claim 1 was amended to recite that the metal cations are all members of group 4 of the periodic table. Thus, these cations are related in such a way that they are expected to perform similarly as catalysts according to the invention. Claims 11-14 are presented to separately recite each of the catalysts that were originally recited in and that are supported by claim 1. As there is no new matter in introducing these changes, the amendment and new claims should be entered at this time.

The claims were subject to restriction as noted in the office action. In response, applicant elects, with traverse, the invention of Group I, claims 1-9, wherein the catalytic system contains titanium or zirconium. In view of the following comments, it is believed that all claims should be examined together.

The tetravalent metal cations that were recited in claim 1 are related in that each one is a member of group 4 of the periodic table of the elements. Accordingly, claim 1 has been amended as noted above to recite this generic feature of the invention.

Furthermore, these three metals, Ti, Zr and Hf, each perform the same reaction in the same manner, so that they represent one aspect of the invention, rather than different inventive concepts. And while the catalyst art is generally known to be unpredictable, this is not the situation where any catalyst is claimed, but instead is one where three defined and related metal cations are recited as being alternative equivalents. For these reasons, it is respectfully submitted that these metal cations are sufficiently related so that at least claims 1-9 and 11-14 should be examined together.

Claim 10 was restricted as being drawn to a catalytic system which is alleged as being different from the process claims. Applicant traverses this statement, since the catalytic system of claim 10 is the same one that is used in the process of claims 1-9 and 11-14. Since a proper search of the art for the process claims would require that the catalyst art be reviewed to see if any prior art references disclose the use of such a catalytic system for the preparation of the same or similar compounds, the different claim groupings are not independent and distinct, as required by the rules, but instead are sufficiently related so that all claims should be examined together. Furthermore, there would appear to be no additional searching burden on the Examiner to review both sets of

claims for the reason mentioned above,. Accordingly, all claims should be examined together.

To the extent that the Examiner may allege that these different metal cations represent different species of the invention, the applicant would elect titanium as a single disclosed representative specie to assist the Examiner in conducting a search of the art.

Finally, applicants note that the PTO 1449 that was filed has a few errors of a typographical nature. Thus, a replacement form 1449, without such errors, is enclosed for substitution of the one that was previously filed. The Examiner's cooperation in completing the replacement form, rather than the original one, would be sincerely appreciated.

In view of the prior that has been submitted, it is believed that the entire application is now in condition for allowance, early notification of such would be appreciated. Should the Examiner not agree, a personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of the claims.

Respectfully submitted,

Date: 7-9-04



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PATENT & TRADEMARK OFFICE	ATTY. DOCKET NO.:	APPLICATION NO.:
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	APPLICANT: Denis JACOBY.	
FILING DATE:	GROUP:	
October 17, 2003		1625

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AF	EP 0 676 393 A1	11/1995	Europe			X	
	AG							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AH	Ayyar et al, XP001012628, "Synthesis of alpha-Damascone and beta-Damascone", J. Chem. Soc. Perkin Trans. 1, Vol. 17, pp. 1727-1736 (1975)		
AH	Vedejs and Pribish, XP002211596 "A Synthesis of the C6 Cl1-Dideoxyanthracyclinone Skeleton via Hassall Cyclization and Oxidative Desilylation", J. Org. Chem, Vol. 53, No. 8 (1988)		
AI	Ishimaru et al., XP0022 11597, "Novel Cationic titanium (IV) Lewis Acids and their use in Asymmetric Aldol Reactions" Tetrahedron, Vol. 54, pp. 727-734 (1998)		

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



EXPRESS MAIL LIST

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Alexandria, VA 22313-1450

The following items listed below are being filed herewith with the USPTO on July 9, 2004.

Express Mail No. EV 346 811 309 US			
Attorney Docket No.	Appln. Serial No./ Patent No.	Items - Documents filed on <u>July 9, 2004</u>	Patent Fees- Acct. #50- 1814
81455-5510	10/688,297	Amendment and Response to Restrictions Requirement (7 pages); Substitute Form PTO 1449	0

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81455-5510	10/688,297	Amendment and Response to Restrictions Requirement (7 pages); Substitute Form PTO 1449	0
88265-7172	TBA	Utility Patent Application Transmittal (PTO/SB/05); Specification 17 pages including 38 claims; Patent Application Fee Sheet (in duplicate); Executed Inventors' Declaration (2 pages); Power of Attorney Statement Under 37 CFR 3.73(b); Executed Power of Attorney to Prosecute Application Before the USPTO; Executed Assignment w/Recordation Cover Sheet; Information Disclosure Statement, PTO 1449, 4 refs.	\$1094 \$40
81421-4041	TBA	Utility Patent Application Transmittal (PTO/SB/05); Specification 6 pages including 13 claims; Formal Drawings Figs. 1-2B (1 sheet); Patent Application Fee Sheet (in duplicate); Copy of Inventors' Declaration (unexecuted) (2 pages); Information Disclosure Statement, PTO 1449, 7 refs.	\$385
4717-5000	10/268,776	Response and 2 sheets of Drawings (12 pages)	0

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